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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,543	06/21/2001	Michel Sayag	SAY1P004	5819
22434	7590	05/10/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			HANNAHER, CONSTANTINE	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

The information disclosure statement filed January 26, 2004 fails to comply with 37 CFR 1.97(d) because it lacks a certification as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. Note that the proffered statement on the second page of the submission is an alteration of the statement required under 37 CFR 1.97(e). Since a statement under 37 CFR 1.97(e) must state one of the paragraphs set out in the regulation, it is as if applicant has made no statement at all.

The specific explanations on page 3 of the action accompanying the Notice of Allowability (paragraphs 5 and 6) were apparently not enough for Applicant and, incredibly, the exact same German document has been filed for the listing of FR 2519179. An abstract or an excerpt is not a legible copy under 37 CFR 1.98(a)(2). Should Applicant's representative persist in submitting abstracts, reference must be made to MPEP 707.05(e) as to how such abstracts are listed. Also, where is the month of publication for the IEC document? The place of publication for the April article from Thoms? The legibility of the July article from Thoms with its edges cut off repeatedly? The correct title for the article by Satoh? The listing for "PCT/EP98/07570" does not represent a document for which separate evidence of consideration is possible as it is not credible on its face that this document represents the publication of any foreign patent office. Evidence of consideration for WO 99/28765 has already been supplied and will not be repeated.

Nevertheless, in recognition of the effort to list the Japanese documents with the appropriate document number, evidence of consideration is returned for those five documents which were submitted in full (only an excerpt was supplied for JP 11-352616).


Constantine Hannaher
Primary Examiner